



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Attorney Docket No. 12671US02
AUG 24 2001

TC 2800 MAIL ROOM

In the Application of:

Lawrence J. Revit
Robert B. Schulein

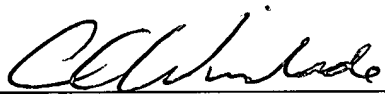
Serial No. 09/803,683

Filed: March 9, 2001

For: SOUND REPRODUCTION METHOD
AND APPARATUS FOR ASSESSING
REAL-WORLD PERFORMANCE OF
HEARING AND HEARING AIDS

Group Art Unit: 2644

Certificate of Mailing

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) Assistant Commissioner for Patents,
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) Customer Service Center, Washington,
) DC 20231, on this date:
) 5/11/01
) 
) Christopher C. Winslade
) Reg. No. 36,308
) Attorney for Applicants

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

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Dear Sir:

Applicants respectfully request that the filing receipt for the above-identified case be corrected to reflect the following:

In the section entitled "Domestic Priority data as claimed by Applicant" please delete "03/04/2000" and insert --03/14/2000--

A copy of the Official Filing Receipt reflecting all changes in red is attached hereto as Exhibit A. Also enclosed is a copy of a Decision Granting Petition on a "Petition to Correct

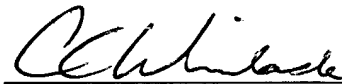
Filing Date" granting a filing date of March 14, 2000 for application number 60/189,293 in which the present application claims benefit.

The Commissioner is hereby authorized to charge any fee which may be required for this request to the Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd., or to refund any overpayment thereto.

Respectfully submitted,

Dated: _____

5/11/01



Christopher C. Winslade

Reg. No. 36,308

Attorney for applicants

McAndrews, Held & Malloy, Ltd.
34th Floor
500 West Madison Street
Chicago, IL 60661
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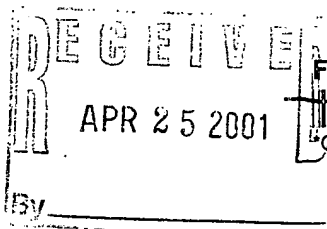
AUG 24 2001

TC 2800 MAIL ROOM

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/803,683	03/09/2001	2644	480	12671US02	13	25	5

McAndrews, Held & Malloy, Ltd
500 West Madison Street, 34th Floor
Chicago, IL 60661



CONFIRMATION NO. 7009

FILING RECEIPT

OC000000005989249

Date Mailed: 04/20/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Lawrence J. Revit, West Windsor, VT;
Robert B. Schulein, Evanston, IL;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/189,293 03/04/2000*
(* Data inconsistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted 04/19/2001

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Sound reproduction method and apparatus for assessing real-world performance of hearing and hearing aids

Exhibit A

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03/14/2000

Preliminary Class

381

Data entry by : PETROS, TADELECH

Team : OIPE

Date: 04/20/2001

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- o The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- o The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- o The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- o The docket number allows a maximum of 25 characters.
- o If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- o The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

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Washington, DC 20231

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Bib Data Sheet

CONFIRMATION NO. 7009

SERIAL NUMBER 09/803,683	FILING DATE 03/09/2001 RULE	CLASS 381	GROUP ART UNIT 2644	ATTORNEY DOCKET NO. 12671US02
APPLICANTS Lawrence J. Revit, West Windsor, VT; Robert B. Schulein, Evanston, IL;				
** CONTINUING DATA ***** THIS APPLN CLAIMS BENEFIT OF 60/189,293 03/14/2000				
** FOREIGN APPLICATIONS *****				
IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY ** ** 04/19/2001				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged _____ Examiner's Signature Initials		STATE OR COUNTRY VT	SHEETS DRAWING 11	TOTAL CLAIMS 25
INDEPENDENT CLAIMS 5				
ADDRESS McAndrews, Held & Malloy, Ltd 34th Floor 500 West Madison Street Chicago, IL 60661				
TITLE Sound reproduction method and apparatus for assessing real-world performance of hearing and hearing aids				
FILING FEE RECEIVED 480	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	

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CHICAGO, IL 60661

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Paper No. 3

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APR 24 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Robert B. Schulein et al. : DECISION GRANTING
Application No. 60/189,293 : PETITION
Filed: March 14, 2000 :
Attorney Docket No. 1267US01 :

This is a decision on the paper styled "Petition To Correct Filing Date" filed March 15, 2001, which is properly treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of March 14, 2000, rather than the presently accorded filing date of March 4, 2000.

Applicants request the later filing date on the basis that the application was purportedly deposited in Express Mail service on March 14, 2000, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail label No. EL026006986US, also identified in the original application papers, shows a "date-in" of March 4, 2000. Applicants allege that the date of mailing shown by the Express Mail receipt is a U.S. Postal Service (USPS) error and the correct date of mailing is March 14, 2000.

While there is no corroborating evidence from the USPS, petitioner submits supporting declarations from Christopher C. Winslade, counsel of record; Margaret A. Mitchell, the docketing paralegal; Del Ellis, secretary for Christopher C. Winslade, and Robert S. Schulein, one of the inventors, all declaring that the Express Mail package in question was deposited in the USPS on March 14, 2000. The petition is also accompanied by a time and services report for March 14, 2000, and copies from the computer docketing system of the docket entries for the above-identified application.

A review of the U.S. Patent and Trademark Office's (USPTO) USPS Express Mail Information Database confirms that an Express Mail

APR 30 2001

package No. EL026006986US was accepted by the USPS on March 14, 2000 at 6:51 pm and delivered to the USPTO at 11:00 am on March 15, 2000. (See enclosed copy of the record.) Accordingly, it is concluded that the "date-in" shown on the Express Mail label is incorrect and that the correct date of deposit in Express Mail service is March 14, 2000.

In view of the above, the application is entitled to a filing date of March 14, 2000. The petition is granted.

The application is being returned to Initial Patent Examination Division for correction of the filing date to March 14, 2000.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.



Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: USPTO's USPS Express Mail Information

USPTO's USPS Express Mail Information Database

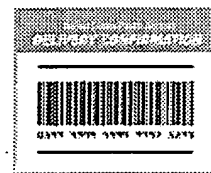


Express Mail Number: **EL026006986US**

Origin ZIP: **60607**

Weight: **00 lbs. 09 ozs.**

Postage Paid: **\$015.75**



Date and Time* Package was accepted by USPS: **03/14/2000 06:51 pm**

Attempted Delivery Date and Time: **//**

Actual Delivery Date and Time: **03/15/2000 11:00 am**

*Also referred to as "Date In"

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Monday, April 23, 2001 07:29 AM